

Document: Final Rule

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TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #99-7(F)

DIGEST

Amends 326 IAC 20-2-1 concerning accidental releases to incorporate by reference the June 20, 1996, final federal rule for chemical accidental release prevention requirements at 40 CFR 68, Subparts A through H, 64 FR 964, and 64 FR 28696, and updates the previous incorporation by reference of the list of regulated substances (62 FR 45130, August 25, 1997, 62 FR 640, January 6, 1998, and 65 FR 13243, March 13, 2000). Effective 30 days after filing with the secretary of state.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7, Draft Rule, Notice of Comment Period, and Notice of First Hearing: February 1, 1999, Indiana Register (22 IR 1657).

Date of First Hearing: May 5, 1999.

Proposed Rule and Notice of Public Hearing: February 1, 2000, Indiana Register (23 IR 1130).

326 IAC 20-2-1

SECTION 1. 326 IAC 20-2-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-2-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) ~~The provisions of This rule apply~~ **applies** to stationary sources ~~which manufacture, process, use, store, or otherwise handle regulated substances that exceed the thresholds established in 40 CFR 68.130, 59 FR 4478*.~~ **that have more than a threshold quantity of a regulated substance in a process as determined under subsection (b).**

(b) The air pollution control board incorporates by reference: ~~59 FR 4478*~~,

- (1) ~~40 CFR 68, Subparts A through H*~~;
- (2) ~~40 CFR 68, 62 FR 45130 (August 25, 1997)*~~;
- (3) ~~40 CFR 68, 63 FR 640 (January 6, 1998)*~~;
- (4) ~~40 CFR 68, 64 FR 964 (January 6, 1999)*~~;
- (5) ~~40 CFR 68, 64 FR 28696 (May 26, 1999)*~~; and
- (6) ~~40 CFR 68, 65 FR 13243 (March 13, 2000)~~;

~~which establishes general requirements and lists that establish a list of regulated substances for accidental release prevention programs, and thresholds, and the requirements for owners or operators of stationary sources concerning the prevention of accidental releases, with the exception of Section 68.120(a), 68.120 concerning administrator discretion to add or delete listed regulated substances.~~

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this ~~article~~ **section** may be obtained from the Government Printing Office, Washington, D.C. ~~20204~~ **20402** or **are available for copying** at the Indiana Department of Environmental Management, Office of Air Management, **Indiana Government Center-North**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-2-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 341; filed Nov 20, 2000, 3:25 p.m.: 24 IR 953*)

LSA Document #99-7(F)

Proposed Rule Published: February 1, 2000; 23 IR 1130

Hearing Held: June 7, 2000

Approved by Attorney General: November 1, 2000

Approved by Governor: November 16, 2000

Filed with Secretary of State: November 20, 2000, 3:25 p.m.

Incorporated Documents Filed with Secretary of State: 40 CFR 68 Subparts A through H; 40 CFR 68, 65 FR 45130 (August 25, 1997); 40 CFR 68, 63 FR 640 (January 6, 1998); 40 CFR 68, 64 FR 964 (January 6, 1999)